

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6519

BILL NUMBER: HB 1453

NOTE PREPARED: Dec 16, 2002

BILL AMENDED:

SUBJECT: Child bicycle safety.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a person who is less than 16 years of age to wear a protective helmet when operating or riding as a passenger on a bicycle and that such persons be either on a seat or in a restraining seat when the bicycle is in use. It prohibits the rental, lease, or sale of a bicycle for the intended use of an operator who is less than 16 years of age unless proof of possession of a protective helmet by the intended operator is present. The bill makes a violation a Class C infraction.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: The bill would establish a Class C infraction for an operator or passenger less than 16 years of age failing to wear a properly fitted protective bicycle helmet or for failing to properly seat a passenger weighing less than 40 pounds on a bicycle. However, the bill provides for the judgement to be stayed if the operator acquires a protective helmet or restraining seat when ordered to do so by the court. Additionally, the bill provides for a Class C infraction for selling, renting, or leasing a bicycle to an operator less than 16 years of age without proof that the operator possesses or will acquire a protective bicycle helmet.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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